

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## SYLVESTER JAMES MAHONE.

Plaintiff,

V.

PAT MCCARTHY, PAUL PASTOR,  
EDDIE PARKER, BALDEROMA,  
MARVIN SPENCER, MARTHA KARR,  
DANIELS, KATHY MILLER, CARN.

## Defendants.

CASE NO. C14-5812 BHS-JRC

ORDER RE-NOTING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States

Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local

## Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court is plaintiff's "ex-parte" motion for appointment of counsel (Dkt. 6). Plaintiff filed his motion prior to any defendant appearing in the action. Because no defendant had appeared, plaintiff he did not serve his motion on them. Accordingly, the Pierce County Prosecutor's Office has not responded to this motion. The defendants' filed their notice of appearance after plaintiff filed his motion (Dkt. 8).

1 The Court will not consider this motion for appointment of counsel as an ex parte  
2 motion. Defendants are entitled to the opportunity to respond. The Court re-notes plaintiff's  
3 motion for appointment of counsel (Dkt. 6), for January 23, 2015. Defendants' response is due  
4 on or before January 16, 2013.

5 Dated this 22<sup>nd</sup> day of December, 2014.

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8 J. Richard Creatura  
9 United States Magistrate Judge  
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